GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Labour Employment Training & Factories Department – Industrial Disputes Act, 1947 – Application made under 25(O) of Industrial Disputes Act, 1947 by the Management of Sri Bajrang Jute Mills Private Limited, Guntur for permission to close the Industrial Unit – Application disposed off – Orders Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR.II)DEPARTMENT

G.O.RT.No. 66 Dated: 14-02-2018

Read the following:

1. G.O.Rt.No.402, LET&F(Lab.II) Department, Dt.06-07-2015.
2. G.O.Rt.No.429, LET&F(Lab.II) Department, Dt.28-07-2015.
3. Interim Orders of the Hon'ble High Court Dt.24-11-2015 in W.P.No.36858/2-15 & W.P.No.36883/2015 filed by Sri Bajrang Jute Mills Pvt.Limited, Guntur.
4. Application Dt.20-09-2017 (received on 06-11-2017)from the Management of Sri Bajrang Jute Mills Private Limited, Guntur.
5. Govt.Memo No.792643/Lab.II/A2/2017, Dt.23-11-2017.
6. From the Commissioner of Labour, AP, VJA, Lr.No.H1/2187/2015, Dt.27-12-2017.

ORDER:

In the G.O.1st read above, Government have issued orders prohibiting continuance of lockout by the management of M/s.Bajrang Jute Mills Private Limited, Guntur under Section 10-B(1)(b) of the Industrial Disputes Act, 1947.

2. In the G.O.2nd read above Government, have issued orders according permission to the Commissioner of Labour, Andhra Pradesh, Vijayawada under section 34(1) of the Industrial Disputes Act, 1947 to prosecute the Management of M/s.Bajrang Jute Mills Private Limited, Guntur for failure in compliance of the Government orders issued under Section 10-B(1)(b) of the Industrial Disputes Act prohibiting the continuance of lockout in the G.O.1st read above..

3. The management of the said M/s. Bhajrang Jute Mills Private Limited filed W.P.No.36858/2015 against the Government orders issued vide G.O.Rt.No.402 dt.06.07.2015 and G.O.Rt.No.429 dt:28.07.2015 praying to set aside the orders. The Hon'ble High Court in its interim orders 24-11-2015 has ordered as follows :

> "In the meantime, the respondent authorities shall not take any coercive steps against the petitioners for a period of two (2) weeks."

4. The Writ Petition No.36858/2015 and another Writ Petition No.36883/2015 are pending in the Hon'ble High Court for final orders.

5. In the reference 4th read above, the Management of M/s.Bajrang Jute Mills Pvt Limited, Guntur made an application to the Government/Commissioner of Labour, Andhra Pradesh, Vijayawada under 25(O) of Industrial Disputes Act, 1947 on the grounds stated therein and requested to accord permission for closure of the said industrial unit.

6. Government have examined the matter and observed the following :

(i) The W.P.No.36858/2015 filed by the management against the orders issued in G.O.Rt.No.402,

LET&F(Lab.II) Department, dt:06.07.2015 and G.O.Rt.No.429, LET&F(Lab.II) Department, dt:28.07.2015 are still pending in the Hon'ble High Court and the matter is sub-judice.

(ii) Further the W.P.No.36883/2015 filed by the Management against the proceedings of Commissioner of Labour vide No.H1/2187/2015 Dt.22.07.2015 is still pending in the Hon'ble High Court and the matter is subjudice.

(iii) On the charge sheet filed by the Department of Labour for violation of orders issued by the Government prohibiting lockout, the Judicial Magistrate of 1st Class, Guntur initiated proceedings in STC No.2/2015 for trail of the offence punishable u/s 29-A of the Industrial Disputes Act, 1947 which is also pending.

(iv) The compensation package for the workers has not been indicated by the Management in their Application.

(v) The discussions for resolution of issues are still ongoing.

7. Government after careful examination and keeping in view the aforesaid facts finds the permission for closure is premature presently. Accordingly, the Application of the Management of M/s.Bajrang Jute Mills Private Limited, Guntur to grant permission to close their industrial Unit at Guntur under section 25(O) of the Industrial Disputes Act, 1947 is disposed off as premature and rejected accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
The Managing Director, M/s. Bajrang Jute Mills Private Limited, Pattabhipuram, Guntur. (Through the Commissioner of Labour, Andhra Pradesh, Vijayawada
The Commissioner of Labour, Andhra Pradesh, Vijayawada)
Copy to
P.S. to Hon'ble Minister(LET&F)
Sf/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER